

CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 16, 2005

Ms. Laura Genao
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, CA 91770

DOCKET 04-IEP-1D
DATE MAY 16 2005
RECD. MAY 18 2005

Dear Ms. Genao:

Re: Application For Designation Of Confidentiality, Errata to (1) Southern California Edison's 2005 Electricity Demand Forecast Forms and (2) Southern California Edison's 2005 Reference Case Supply Forms, Docket No. 04-IEP-1D

On April 13, 2005, Southern California Edison (SCE) filed an errata to SCE's 2005 Electricity Demand Forecast Forms and SCE's 2005 Reference Case Supply Forms with the California Energy Commission (Energy Commission). As part of this filing, SCE has requested that these revised forms be covered by the February 1 and March 1 applications for confidentiality that had been submitted with the original versions of these files.

In its February 1, 2005, application for confidentiality for the original demand forecast forms, SCE requested that specific information in Forms 1.2, 1.3, and 1.4, and 1.6 be kept confidential for a period of fifteen years, and that the Peak Demand Weather Scenario information contained in Form 1.5 be kept confidential indefinitely. SCE stated that it "believes these documents must be withheld from public disclosure for the specified periods of time because their disclosure will likely cause prices to rise, . . . Because such forecast information is extremely commercially sensitive, it is shielded from disclosure by several statutory provisions. . . . The documents for which SCE seeks confidential protection here are trade secrets because they derive value from not being known to the public—public disclosure of this information could cause prices to rise."

On March 3, 2005, Bob Therkelsen, then Executive Director of the Energy Commission, determined that with regard to "forms 1.2, 1.3 and 1.4, the information contained in these forms is deemed public and will not be given confidentiality since the annual net peak numbers are insufficient to arrive at hourly net short forecasts, and/or the information does not meet the criteria of a trade secret." SCE appealed this determination to the full Energy Commission, which upheld the Executive Director's determination at the April 13, 2005, business meeting. While SCE may still decide to appeal that determination in court, it nonetheless applies to the errata for the same reasons identified in the Executive Director's determination and Energy Commission's decision denying the appeal for SCE's original request.

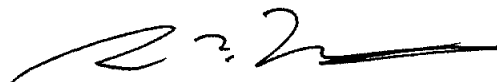
In that same letter, Therkelsen determined that SCE's application made a reasonable claim under the Energy Commission's regulations for classifying some of the information you have submitted in form 1.5 as confidential, since it falls within the definition of trade secret. I uphold that initial determination that information contained in form 1.5 and labeled "1-in-5 Temp.," "1-in-10 Temp.," and "1-in-20 Temp." is given confidentiality for three years from the date of this letter, but that all other information contained in form 1.5 is public since the information does not meet the criteria of a trade secret.

In its April 13, 2005, filing, SCE also corrected certain information in the reference case supply forms S-1 and S-2 that it had filed March 1, 2005. In its application for confidentiality for the original reference case supply forms, SCE requested that information in Forms S-1 and S-2 be kept confidential for a period of fifteen years. In its cover letter asking that the original application for confidentiality apply to the revised forms, SCE listed the capacity of the Mountainview project for the months of January through March 2006. Since the actual application for confidentiality is a public document, the Energy Commission views the inclusion of these values in your letter as a public release of those particular capacity values.

On March 25, 2005, based on review of the initial application, I granted confidentiality for the data in forms S-1 and S-2 through the end of 2008. I uphold that decision for these revised versions of these same forms, with the exception of the Mountainview capacity values for the months of January through March 2006, which are denied confidentiality on the grounds that SCE has now released this information.

Because this information is being covered by the previous applications for confidentiality, possible appeals of today's decision must be addressed through ongoing process for the original determinations. The orders supporting the April 13, 2005, Energy Commission decision to uphold the demand forms determination was docketed on May 11, 2005. The Energy Commission will continue to treat this information as confidential for a period of 14 days from that day to allow SCE the opportunity to appeal the decision in court, consistent with California Code of Regulations, title 20, section 2505. If you have any further questions regarding this decision, please contact Thomas Glaviano, Staff Counsel, at (916) 651-8893.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Matthews", with a stylized flourish at the end.

SCOTT W. MATTHEWS
Acting Executive Director

cc: Docket Unit